

THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit <b>2024-0315</b></p>
<p>In the Matter of the Application of</p> <p><b>NIKOLAY WILEN</b> Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act 9 NYCRR Part 578</p>	<p>Date Issued: March 12, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): <b>1. Nikolay Wilen</b></p>

**SUMMARY AND AUTHORIZATION**

**This permit supersedes un-recorded Permit 2024-0315, issued by the Agency on January 15, 2025.**

This permit authorizes a two-lot subdivision in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Essex County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

### **PROJECT SITE**

The project site is a 20±-acre parcel of land located on NYS Route 73 (Cascade Road) in the Town of North Elba, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 52.1, Block 1, Parcel 21.100, and is described in a deed from Frank E. Sears, Jr. and Anita M. Sears to Nikolay Wilen, dated June 14, 2013, and recorded July 5, 2013 in the Essex County Clerk's Office at Book 1739, Page 13.

The project site is partially located within 300 feet of the edge of right-of-way of NYS Route 73.

The project site contains shoreline on an un-named pond, and wetlands associated with the pond that extend to the north on the eastern side of the parcel. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by one single family dwelling constructed circa 1907 and one single family dwelling constructed circa 1960.

The project site was created in a two-lot subdivision as authorized by Agency permits 84-11 and 85-197.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision to create a 4±-acre lot with existing development (Lot 1) and a 16±-acre lot with existing development (Lot 2). No new development is proposed.

The project is shown on an un-dated and un-signed plan, prepared by Nikolay Wilen, and received by the Agency on November 8, 2024 (Site Plan).

The project is also shown on a recent air photo annotated to show wetlands and subdivision lines (Air Photo).

A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision in a Resource Management land use area in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision of Resource Management lands within 300 feet of the edge of the right-of-way of any state highway in the Adirondack Park.

**CONDITIONS**

**THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and Site Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Agency permits 84-11 and 85-197 in relation to the project site. The terms and conditions of Agency permits 84-11 and 85-197 shall no longer apply to the project site.
5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2024-0315, issued January 15, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
7. The undertaking of any new land use or development on the project site within 300 feet of the edge of right-of-way of Cascade Road shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.
9. Prior to undertaking construction of any boathouse on Lot 1, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.

10. Prior to undertaking construction of any dock on Lot 1, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
11. No structures greater than 100 square feet in size shall be constructed within 100 feet, measured horizontally, of the mean high water mark of the un-named pond.
12. Installation of any replacement on-site wastewater treatment system on Lot 1 shall require prior written Agency approval.
13. Outside of the existing limits of clearing shown on the Air Photo, no trees greater than 6 inches in diameter at breast height may be cut or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
14. There shall be no principal buildings located on Lot 1 in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.
15. There shall be no principal buildings located on Lot 2 in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

PERMIT issued this 12<sup>th</sup> day  
of March, 2025.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch  
Ariel Lynch  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 12<sup>th</sup> day of March in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No. 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

Stephanie L. Petith  
Notary Public

